

Introduced by Senator Chesbro
(Coauthor: Assembly Member Berg)

January 20, 2004

An act to amend Sections 1, 2, 4, 5, 6, and 41 of, and to add Section 13.3 to, the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1136, as introduced, Chesbro. Lake County Flood Control and Water Conservation District.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the Clean Water Act, and the Porter-Cologne Water Quality Control Act. Existing law, the Lake County Flood Control and Water Conservation District Act, prescribes the powers and purposes of the Lake County Flood Control and Water Conservation District.

This bill would change the name of the district to the Lake County Watershed Protection District. The bill would authorize the district to participate alone, or jointly with Lake County, or cities or districts within Lake County, in the NPDES permit program in accordance with the Clean Water Act. The bill would authorize the district to impose and collect special taxes, assessments, fees, or other charges under certain provisions of existing law to provide funding for participation in the NPDES permit program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1 of the Lake County Flood Control and
2 Water Conservation District Act (Chapter 1544 of the Statutes of
3 1951) is amended to read:

4 ~~Section 1. A flood control and water conservation district~~
5 *Section 1. The Lake County Watershed Protection District is*
6 ~~hereby created, to be called the "Lake County flood Control and~~
7 ~~Water Conservation District," and the boundaries and established.~~
8 ~~The territory of said the district are as follows:~~

9 ~~All that territory of the County of Lake lying within the exterior~~
10 ~~boundaries thereof is that of Lake County.~~

11 SEC. 2. Section 2 of the Lake County Flood Control and
12 Water Conservation District Act (Chapter 1544 of the Statutes of
13 1951) is amended to read:

14 Sec. 2. ~~As used in~~ *For the purposes of this act, "district"*
15 ~~means the Lake County Flood Control and Water Conservation~~
16 ~~Watershed Protection District.~~

17 SEC. 3. Section 4 of the Lake County Flood Control and
18 Water Conservation District Act (Chapter 1544 of the Statutes of
19 1951) is amended to read:

20 Sec. 4. (a) The objects and purposes of this act are to provide
21 for the control ~~and~~, impounding, *treatment, and disposal* of the
22 flood and storm waters of the district, the conservation and
23 protection of all waters within the district, including both surface
24 water and groundwater, and the control of flood and storm waters
25 of streams that have their source outside of the district, but which
26 streams and the flood waters thereof flow into the district, to
27 protect from flood or storm waters the watercourses, lakes,
28 groundwater, watersheds, harbors, public highways, life, and
29 property in the district, to develop and improve the quality of all
30 waters within the district for all beneficial uses, including
31 domestic, irrigation, industrial and recreational uses, and to
32 protect and improve the quality of all waters within the district.

33 (b) *The objects and purposes of this act are also to provide for*
34 *the participation of the district in the national pollutant discharge*

1 *elimination system (NPDES) permit program in accordance with*
2 *the Clean Water Act (33 U.S.C. 1251 et seq.).*

3 SEC. 4. Section 5 of the Lake County Flood Control and
4 Water Conservation District Act (Chapter 1544 of the Statutes of
5 1951) is amended to read:

6 Sec. 5. The district is hereby declared to be a body corporate
7 and politic and may do all of the following:

8 1. Have perpetual succession.

9 2. Sue and be subject to suit in the name of said district.

10 3. Adopt a seal.

11 4. Acquire by grant, purchase, lease, gift, devise, contract,
12 construction, or otherwise, and hold, use, enjoy, let, and dispose
13 of real and personal property of every kind, including lands,
14 structures, buildings, rights-of-way, easements, water and water
15 rights, and privileges and construct, maintain, alter, and operate
16 any and all works or improvements, within or outside the district,
17 necessary or proper to carry out any of the objects of purposes of
18 this act and convenient to the full exercise of its powers, and
19 complete, extend, add to, alter, remove, repair or otherwise
20 improve any works, or improvements, or property acquired by it
21 as authorized by this act.

22 5. Conserve all waters within the district, and control the flood
23 and storm waters of the district and the flood and storm waters of
24 streams that have their sources outside the district, but which
25 streams and floodwaters thereof, flow into the district, and protect
26 from damage from those flood or storm waters the watercourses,
27 watersheds, harbors, public highways, life and property in the
28 district, and the watercourses outside the district of streams
29 flowing into the district, and to develop waters within or outside
30 the district for domestic irrigation, industrial, and recreational
31 uses, and construct works therefor, including works for the storage
32 and delivery of water; provided further, that none of the provisions
33 of this act shall preclude the exercise by any other political
34 subdivision that may now or hereafter exist, wholly or in part,
35 within the district from exercising its powers, although the powers
36 may be of the same nature as the powers of the district. Any other
37 political subdivision may, by written agreement with the district,
38 provide for the use, or joint use, of property or facilities in which
39 that other political subdivision has an interest, or for the use, or

1 joint use, of property or facilities in which the district has an
2 interest.

3 6. Cooperate and act in conjunction with the federal
4 government, the state, or any of their engineers, officers, boards,
5 commissions, departments or agencies, or with any public or
6 private corporation, or with the County of Lake or adjacent
7 counties, or with any other agencies, in the construction of any
8 work for the storage or delivery of all waters within or outside the
9 district for domestic, irrigation, industrial, and recreational uses
10 and for the conservation of waters within the district, for the
11 controlling of flood or storm waters of or flowing into the district,
12 or for the protection of life or property in the district.

13 7. Carry on technical and other investigations of all kinds,
14 make measurements, collect data and make analyses, studies, and
15 inspections pertaining to the beneficial use of waters within or
16 outside the district, including domestic, irrigation, industrial, and
17 recreational uses and the conservation of water and the control of
18 floods both within and outside the district, and for those purposes
19 the district shall have the right of access through its authorized
20 representatives to all properties within the district. The district,
21 through its authorized representatives, may enter upon those lands
22 and make examinations, surveys, and maps thereof.

23 8. Enter upon any land, to make surveys and locate the
24 necessary works of improvement and the lines for channels,
25 conduits, canals, pipelines, roadways and other rights-of-way;
26 acquire by purchase, lease, contract, gift, devise, or other legal
27 means all lands and other property necessary or convenient for the
28 construction, use, supply, maintenance, repair and improvement
29 of the works, enter into and do any acts necessary or proper for the
30 performance of any agreement with the United States, or any state,
31 county, district of any kind, public or private corporation,
32 association, firm or individual, or any number of them for the joint
33 acquisition, construction, leasing, ownership, disposition, use,
34 management, maintenance, repair or operation of any rights,
35 works or other property of a kind which might be lawfully
36 acquired or owned by the district.

37 9. Incur indebtedness and issue bonds in the manner provided
38 in this act.



1 10. Cause taxes or assessments to be levied and collected for the
2 purpose of paying any obligation of the district, and to carry out
3 any of the purposes of this act, in the manner provided in this act.

4 11. Make contracts, and employ labor, and do all acts necessary
5 for the full exercise of all powers vested in the district or any of the
6 officers thereof by this act.

7 12. Exercise the right of eminent domain, either within or
8 outside the district, to take any property necessary to carry out any
9 of the objects or purposes of this act. The district in exercising that
10 power shall, in addition to the damage for the taking, injury, or
11 destruction of property, also pay the cost of removal,
12 reconstruction, or relocation of any structure, railways, mains,
13 pipes, conduits, wires, cable, poles, of any public utility that is
14 required to be moved to a new location.

15 The district shall not condemn property outside the County of
16 Lake unless the consent of the governing board of the county, in
17 which the property to be condemned is located, has first been
18 obtained.

19 Nothing in this act contained shall be construed as in any way
20 affecting the plenary power of any existing city and county or
21 municipal utility district to provide for a water supply for that city
22 and county or municipal utility district, or as affecting the absolute
23 control of any properties of that city and county or municipal
24 utility district necessary for that water supply and nothing herein
25 contained shall be construed as vesting any power of control over
26 those properties in the district or in any officer thereof, or in any
27 person referred to in this act.

28 13. Provide for the operation and maintenance of any works of
29 any kind or channelways, ~~which~~ *that* may be built or operated by
30 the state or the federal government without cost to the district, for
31 the control or disposition of flood and storm waters within the
32 district whether those waters originate within or outside the
33 district.

34 14. Contract with the County of Lake, because of the interest
35 of the County of Lake in the general welfare and preservation and
36 promotion of land values in the county and in the maintenance,
37 construction and improvement of public roads, bridges and other
38 county property within any zone that may be damaged or
39 destroyed by those flood and storm waters and that will be
40 protected by proper control and disposition of those waters, for the

1 participation by that county, on a percentage or other appropriate
2 basis, in the amount or amounts that may be taxed or assessed from
3 time to time against any lands in any zone by any taxing or
4 assessing agency or authority, including the district, to provide
5 funds for the operation and maintenance of any works of any kind
6 or channelways which may be built, maintained or operated by the
7 state or the federal government or the district for the benefit of that
8 zone; and the County of Lake may enter into that contract with the
9 district.

10 15. Levy assessments in any zone, on the basis of benefits as
11 provided in Section 13 or 13.1 of this act, to raise funds for
12 payment of expenses of operation and of works or channelways in
13 that zone and the cost of levying and collecting those assessments.

14 16. Levy and collect special taxes in the district or any zone in
15 accordance with Section 13 of this act.

16 17. Levy and collect benefit assessments in the district or any
17 zone in accordance with Section 13 of this act.

18 18. *Participate alone, or jointly with Lake County, or cities or*
19 *districts within Lake County, in the national pollutant discharge*
20 *elimination system (NPDES) permit program in accordance with*
21 *the Clean Water Act (33 U.S.C. 1252 et seq.), and undertake*
22 *necessary acts in connection with that program.*

23 19. *Impose and collect special taxes, assessments, fees, or*
24 *other charges in accordance with Section 13.3 of this act.*

25 SEC. 5. Section 6 of the Lake County Flood Control and
26 Water Conservation District Act (Chapter 1544 of the Statutes of
27 1951) is amended to read:

28 Sec. 6. (a) The Board of Supervisors of Lake County shall be
29 and is hereby designated as, and empowered to act as, ex officio
30 the Board of Directors of the Lake County ~~Flood Control and~~
31 ~~Water Conservation~~ Watershed Protection District. ~~As used~~
32 ~~elsewhere in~~ For the purposes of this act, the terms “board” and
33 “board of supervisors” means the Board of Directors of the Lake
34 County ~~Flood Control and Water Conservation~~ Watershed
35 Protection District.

36 ~~Each~~

37 (b) Each member of the board of directors of the district shall
38 receive as compensation for his *or her* services one hundred fifty
39 dollars (\$150) per month, and his *or her* actual and necessary
40 expenses in the performance of official duties under this act,

1 payable from the funds of ~~said~~ the district in addition to his or her
2 salary as county supervisor.

3 ~~At~~

4 (c) All ordinances, resolutions, and other legislative ~~for said~~ of
5 the district shall be adopted by ~~said~~ the board of directors, and
6 certified to, recorded and published, in the same manner, except
7 as ~~herein~~ otherwise expressly provided *in this act*, as are
8 ordinances, resolutions, or other legislative acts ~~for~~ of of the
9 County of Lake.

10 SEC. 6. Section 13.3 is added to the Lake County Flood
11 Control and Water Conservation District (Chapter 1544 of the
12 Statutes of 1951), to read:

13 Sec. 13.3. The board, in any year and subject to Article XIII C
14 or Article XIII D of the California Constitution, as applicable, may
15 do any of the following to provide funding for participation in the
16 national pollutant discharge elimination system (NPDES) permit
17 program:

18 (a) Impose and collect special taxes in the district or any zone
19 under Article 3.5 (commencing with Section 50075) of Chapter 1
20 of Part 1 of Division 1 of Title 5 of the Government Code.

21 (b) Impose and collect assessments in the district or any zone
22 under Chapter 6.4 (commencing with Section 54703) of Part 1 of
23 Division 2 of Title 5 of the Government Code.

24 (c) Impose and collect fees or charges under Article 4
25 (commencing with Section 5470) of Chapter 6 of Part 3 of
26 Division 5 of the Health and Safety Code.

27 SEC. 7. Section 41 of the Lake County Flood Control and
28 Water Conservation District Act (Chapter 1544 of the Statutes of
29 1951) is amended to read:

30 Sec. 41. This act shall be known and may be cited as the “~~Lake~~
31 ~~County Flood Control and Water Conservation District Act.~~” *Lake*
32 *County Watershed Protection District Act.*